

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division
CASE NO.: 00-6273-CR-HUCK / GARBER

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ADAM TODD SILVERMAN,
Defendant.

DEFENDANT SILVERMAN'S MOTION FOR INVESTIGATIVE COSTS

The Defendant, ADAM TODD SILVERMAN, through undersigned appointed counsel, respectfully files this Motion for Investigative Costs, and in support thereof says:

1. Undersigned counsel has been appointed to represent the Defendant, Adam Silverman, pursuant to the Criminal Justice Act.
2. As this Court is aware, the Defendant has been charged in a 25 Count Indictment with eight other individuals with racketeering spanning a six year period. The pattern of alleged racketeering activity consisted of multiple acts or threats involving murder, extortion, extortionate extensions of credit, financing extortionate extensions of credit, collection of extensions of credit by extortionate means, fraud, bank

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fraud, theft from interstate shipments, interference with commerce by threats or violence and obstruction of justice.

3. The Defendant requests this Court's authorization to obtain an investigator to assist in the preparation of the defense, including investigating the facts of the case and interviewing and taking statements from prospective defense and government witnesses, as well as background investigations.
4. Services of a competent independent investigator are necessary and essential in order to conduct an adequate investigation and thereby safeguard Defendant's Fifth and Sixth Amendment Rights to receive a fair trial, to present witnesses on his own behalf, to effective assistance of counsel and to preserve meaningful cross-examination and confrontation of government witnesses.
5. An investigator is also needed to assist in the review of the voluminous discovery, consisting of approximately 3,000 documents, 74 audio tapes, 17 CD ROMs and one video. Undersigned counsel request
6. Since the government apparently conducted a lengthy investigation prior to filing the indictment in this case, Defendant cannot perceive

any prejudice to the government by the granting of this motion to afford this Defendant at least some opportunity to contest the government's proof.

7. In United States v. Sailer, 552 F.2d 213 (5th Cir.), cert denied, 431 U.S. 959 (1977), the Court recognized that investigative services are necessary in appropriate cases to aid in preparation of an indigent defendant's defense to the charges lodged against him. Moreover, it has been held that allowance of investigative expenses for indigent Defendants is required when necessary to the proper preparation of the defense. A denial of government funds for such purpose may violate Defendant's right to the effective assistance of counsel and to due process of law. See Mayson v. Arizona, 504 F.2d 1345 (10th Cir. 1974), cert denied, 420 U.S. 936 (1975).
8. Counsel submits that it is anomalous for the Court to appoint counsel to represent an indigent defendant and not provide that counsel with the necessary means to provide effective assistance, especially where such means are provided for by law. See Title 18, U.S.C. Sec. 3006(1) and (3). Indeed, the District of Columbia Court of Appeals has recently held that an attorney's failure to properly

investigate violated the defendant's Sixth Amendment right to effective assistance of counsel. See Harris v. United States, 30 Cr.L.Rptr. 2368 (D.C. Cir. January 21, 1983). See too, Sullivan v. Fairman, 819 F.2d 1382, 1391-93 (7th Cir. 1987) (ineffective assistance when counsel failed to contact five witnesses whose names, addresses, and telephone numbers were in police reports that counsel possessed and whose testimony directly contradicted that of government's principal witness).

9. Defendant submits that the allegations contained in his motion clearly reveal the necessity for the use of investigative services in this case to aid in the proper preparation of his defense. Therefore, Defendant's motion should be granted upon the authorities set forth above and pursuant to Title 18 U.S.C. Sec. 3006(3)(1) and (3).
10. Counsel suggests that should this Court have any question regarding the absolute need for excess funds to obtain adequate investigative services, this Court should set this matter for an ex parte, in camera hearing to enable counsel to further expound upon the need for investigative funds.

WHEREFORE, based upon the above and foregoing, the undersigned respectfully requests that this Court authorize the expenditure of up to \$1,000.00, exclusive of costs, for the services of an investigator to aid the preparation of the defense in this case.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by mail on this 7th day of March, 2001, to the following:

Jeff Sloman, Esquire
Assistant U.S. Attorney
500 East Broward Blvd.
Fort Lauderdale, Florida 33301

Tom Almon, Esquire
(atty for Charles Monico)
321 Northeast 26th Street
Miami, Florida 33137

Adam Todd Silverman
Inmate No.: 02405-748
FDC - Miami
33 Northeast Fourth Street
Miami, Florida 33130

Alejandro Taquechel, Esquire
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3750 West 16th Avenue
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Manny Gonzalez, Esquire
(atty for Banks)
782 Northwest LeJeune Road
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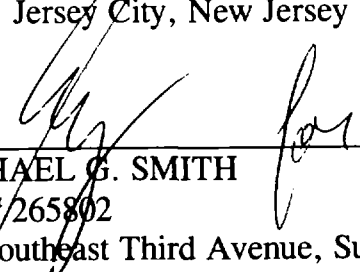
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BY: 
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(954) 764-0033 / (954) 764-2590 - fax

1. CIR. DIST. DIV. CODE	2. PERSON REPRESENTED <i>Adrian Todd Silverman</i>	VOUCHER NUMBER	
3. MAG. DKT. DEF. NUMBER	4. DIST. DKT. DEF. NUMBER <i>CC-006273-006</i>	5. APPEALS DKT. DEF. NUMBER	6. OTHER DKT. NUMBER
7. IN CASE/MATTER OF (Case Name) <i>USA v. Trentacosta</i>	8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal	9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other:	10. REPRESENTATION TYPE (See Instructions) <i>Criminal</i>
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense. <i>18 USC 894.F</i>			

REQUEST AND AUTHORIZATION FOR EXPERT SERVICES

12. ATTORNEY'S STATEMENT As the attorney for the person represented who is named above, I hereby affirm that the services requested are necessary for adequate representation. I hereby request: <input checked="" type="checkbox"/> Authorization to obtain the service. Estimated Compensation and Expenses: \$ <i>1000</i> OR <input type="checkbox"/> Approval of services already obtained to be paid for by the United States pursuant to the Criminal Justice Act. (Note: Prior authorization should be obtained for services in excess of \$300, excluding expenses)	
Signature of Attorney <i>[Signature]</i> <input checked="" type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS <i>Michael G. Smith 633 SE 3 Ave 4F Ft Lauderdale FL 33301</i>	Date <i>3/7/01</i> Telephone Number: <i>954-764-0033</i>

13. DESCRIPTION OF AND JUSTIFICATION FOR SERVICES (See Instructions) <i>Trial Prep</i>	14. TYPE OF SERVICE PROVIDER 01 <input checked="" type="checkbox"/> Investigator 02 <input type="checkbox"/> Interpreter/Translator 03 <input type="checkbox"/> Psychologist 04 <input type="checkbox"/> Psychiatrist 05 <input type="checkbox"/> Polygraph 06 <input type="checkbox"/> Documents Examiner 07 <input type="checkbox"/> Fingerprint Analyst 08 <input type="checkbox"/> Accountant 09 <input type="checkbox"/> CALR (Westlaw/Lexis, etc.) 10 <input type="checkbox"/> Chemist/Toxicologist 11 <input type="checkbox"/> Ballistics 13 <input type="checkbox"/> Weapons/Firearms/Explosive Expert 14 <input type="checkbox"/> Pathologist/Medical Examiner 15 <input type="checkbox"/> Other Medical 16 <input type="checkbox"/> Voice/Audio Analyst 17 <input type="checkbox"/> Hair/Fiber Expert 18 <input type="checkbox"/> Computer (Hardware/Software/Systems) 19 <input type="checkbox"/> Paralegal Services 20 <input type="checkbox"/> Legal Analyst/Consultant 21 <input type="checkbox"/> Jury Consultant 22 <input type="checkbox"/> Mitigation Specialist 23 <input type="checkbox"/> Duplication Services (See Instructions) 24 <input type="checkbox"/> Other (Specify)
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15. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction, the authorization requested in Item 12 is hereby granted. Signature of Presiding Judicial Officer or By Order of the Court _____ Date of Order _____ Nunc Pro Tunc Date _____ Repayment or partial repayment ordered from the person represented for this service at time of authorization. <input type="checkbox"/> YES <input type="checkbox"/> NO	
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16. CLAIM FOR SERVICES AND EXPENSES (Attach itemization of services with dates)		AMOUNT CLAIMED	MATH/TECHNICAL ADJUSTED AMOUNT	ADDITIONAL REVIEW
a. Compensation				
b. Travel Expenses (lodging, parking, meals, mileage, etc.)				
c. Other Expenses				
GRAND TOTALS (CLAIMED AND ADJUSTED):				

17. PAYEE'S NAME AND MAILING ADDRESS	
TIN: _____ Telephone Number: _____	
CLAIMANT'S CERTIFICATION FOR PERIOD OF SERVICE FROM _____ TO _____	
CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____ <input type="checkbox"/> Supplemental Payment	
I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services.	
Signature of Claimant/Payee _____ Date _____	

18. CERTIFICATION OF ATTORNEY I hereby certify that the services were rendered for this case.			
Signature of Attorney _____		Date _____	

APPROVED FOR PAYMENT - COURT USE ONLY

19. TOTAL COMPENSATION	20. TRAVEL EXPENSES	21. OTHER EXPENSES	22. TOTAL AMOUNT APPROVED/CERTIFIED

23. ☐ Either the cost (excluding expenses) of these services does not exceed \$300, or prior authorization was obtained.
☐ Prior authorization was not obtained, but in the interest of justice the Court finds that timely procurement of these necessary services could not await prior authorization, even though the cost (excluding expenses) exceeds \$300.

Signature of Presiding Judicial Officer _____	Date _____	Judge/Mag. Judge Code _____
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24. TOTAL COMPENSATION	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMOUNT APPROVED

28. PAYMENT APPROVED IN EXCESS OF THE STATUTORY THRESHOLD UNDER 18 U.S.C. § 3006A(e)(3)

Signature of Chief Judge, Court of Appeals (or Delegate) _____	Date _____	Judge Code _____
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